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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,144	08/20/2003	Bryan Richards	20499.CIP	7153
22147	7590	10/27/2005	EXAMINER	
DAVID R MCKINNEY 8 EAST BROADWAY, SUITE 500 UTAH, UT 84111			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,144	Applicant(s) RICHARDS, BRYAN	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-14,16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 6-7, 9-14, 16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobler (US 4,023,753) in view of Pardes (US 6,263,799B1) and Hall (US 3,675,584).

Dobler discloses an elongated guideway comprising a riding surface having a transit lane configured to accommodate a plurality of rider autonomous vehicles, a plurality of rider access portals disposed in a side of the guideway, see fig. 5, configured for transporting riders, the autonomous vehicles having rider entry doors configured to selectively align with any one of the rider access portals and allow the riders to enter the vehicle when the vehicle stops in the guideway adjacent to one of the guideways, a control system configured to automatically direct one of the plurality of autonomous vehicles to a selected rider access portals in response to a request from one of the riders and automatically guide the one autonomous vehicle along the guideway to a destination location selected by the rider.

Dobler discloses all of the features as disclosed above but does not disclose a system comprising a transition lane substantially parallel to the transit lane that are functionally interchangeable and autolink control system. The general concept of providing a

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transition lane substantially parallel to a transit lane and auto link control system in a transportation system is well known in the art as illustrated by Pardes which discloses the teaching of a transition lane which is substantially parallel to a transit lane and auto link control system in a transit system, see fig. 7. Also, the general concept of providing functionally interchangeable transit and a transition lane to a transit system is well known in the art as illustrated by Hall which discloses the teaching of functionally interchangeable transit and a transition lane to a transit system as transit lane 72 comprises two branch lanes 72, 74 with service station in each of the branches, see col 2, lines 25. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler to include the use of a transition lane substantially parallel to a transit lane and auto link control system in his advantageous transit system as taught by Pardes in order to allow for switching of the vehicle for dropping of passengers. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler to include the use of functionally interchangeable transit and a transition lane to a transit system in his advantageous transit system as taught by Hall in order to provide for efficiently handling large number of passengers.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobler (US 4,023,753), Pardes (US 6,263,799B1) and Hall (US 3,675,584) as applied to claim 1 above, and further in view of Ledwinka et al (US 2003/0094116 A1).

Dobler, Pardes and Hall teach all the limitations of claim 7 except for a transit system comprising stairs inside the vehicles to allow riders to climb into the vehicles. The

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general concept of providing stairs inside a vehicle to allow riders to climb into the vehicle is well known in the art as illustrated by Ledwinka et al which disclose the teaching of stairs inside the vehicles to allow riders to climb into the vehicles. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler, Pardes and Hall to include the use of stairs inside the vehicles to allow riders to climb into the vehicles in his advantageous transit system in order to maximize the use of the railcar.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobler (US 4,023,753), Pardes (US 6,263,799B1) and Hall (US 3,675,584) as applied to claim 1 above, and further in view of Imada et al (JP11351893 A).

Dobler, Pardes and Hall teach all the limitations of claim 7 except for a transit system comprising a toll collection system associated with a control system. The general concept of providing a toll collection system associated with a control system is well known in the art as illustrated by Imada et al which disclose the teaching of a toll collection system associated with a control system in a transit system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler, Pardes and Hall to include the use of a toll collection system associated with a control system in his advantageous transit system as taught by Imada et al in order to reduce confusion and the time spent in line for paying toll.

Response to Arguments

5. Applicant's arguments filed 09/15/2005 have been fully considered but they are moot in view of the new ground of rejection.

The added limitations of the transit and the transition lanes being functionally interchangeable fails to place the claim in condition for allowance and gives rise to the new ground of rejection. The general concept of using a transition lane as a transit lane in function as argued by applicant constitutes a mere obvious duplication of part in regard to having stations on both side of the road and is well known in the art as illustrated by Hall.

Allowable Subject Matter

6. Claims 5, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

October 23, 2005

FRANTZ F. JULES
PRIMARY EXAMINER


